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A PLEA FOR COPYRIGHT.

BY COUNT ÉMILE DE KÉRATRY.

FOR many years France has anxiously awaited from the United States an act of reparation. It is impossible to understand on the other side of the ocean how the United States can persist in a system which is unfortunate for the probity of the country, as well as for the development of its literature. It is evident that as long as counterfeiting French works, whether artistic, literary, or otherwise, is authorized, national genius in this country can only develop with the utmost difficulty, owing to the evident fact that American publishers naturally hesitate to pay native authors large amounts when they are able to obtain the works of foreign authors for nothing. Consequently, from the point of view of the United States, there are two questions : first, that of the probity of the nation, which ought not to be subject to the shadow of doubt; second, the protection which a government essentially protectionist should not refuse to its own authors.

If we now regard the matter from the French point of view, we are forced to state that the authors, editors, and artists of France have reached the utmost verge of patient endurance. It is impossible for them to understand how the revised statutes of the United States, with the amendments of 1870 and 1885 relating to copyright, can authorize the plunder of foreign authors by domestic publishers without requiring some just compensation for the authors' labor. The French people are the more justified in being astonished at such a law because, since the superiority of the United States as an inventive nation became manifest, they unhesitatingly united in the Conference of Berne. It was at this time, indeed, that the United States secured protection for itself throughout Europe ; although since 1852, under a decree of the Imperial Government of France, American authors, as well as inventors, have been chivalrously accorded in France the same protection as French citizens. The French Government now demands a reciprocity that is but just and fair.

The whole question is *resumed* in this. Governments are responsible for the morality of their people. It is for them to guide their people in the path of honesty and justice toward their neighbors. This duty the United States Government has not discharged in its treatment of the literary property of foreign authors. All departments of the government, indeed, are not equally culpable. The real culprit in this case is the House of Representatives. Many Presidents, and the Senate as well, have more than once recognized the necessity and justice of international copyright; the House alone has prevented any such legislation, at times in consequence of the tyrannical obstruction of a minority. Nor can the House shift the responsibility from itself to the people whom it represents. It cannot be objected that the members are bound to execute a mandatory order; for thus a member would be obliged to obey his constituents, even when their personal interests were in conflict with the good of the nation or the most elementary principles of morality. As an instance of this singular occurrence, although the majority of the House were in favor of the Chace bill, the tyrannical obstruction of one single member was sufficient to annihilate all hopes which had been built upon this bill. In a speech which the present Speaker, Mr. Reed, delivered in Maine this year, foreseeing his elevation to that dignity, he stated that he intended to do everything in his power to bring about a revision of the rules, which have hitherto allowed filibustering and obstructionist tactics. The moment now appears opportune to curtail the enormous privilege which the minority has arrogated to itself. It should not be sufficient that, because some districts object to copyright, the more intelligent, educated, and experienced representatives of other districts and States should be subjected to the perpetual affront of being obliged to see their own interests at home injured, as well as their good name for probity misunderstood and condemned abroad.

Aside from the question of interest and their good name, another point from which the United States suffers is that the extreme cheapness of foreign works, owing to the fact that publishers pay no rights to foreign authors, is most prejudicial to the morality of the lower classes. For the editors and publishers of second- or third-rate order seek rather the number than the quality of readers, having no desire to furnish them with sound, healthy literature, but, on the contrary, with fantastic and im-

moral books, which appeal to their morbid tastes. The editors and publishers of good position and standing, however, have recognized and appreciated this fact; they have appreciated the seriousness of the danger, and as good citizens they realize that the intellectual and moral interests of the people are to a certain extent under their charge, as the educators of the nation; and they have devoted their chief care to republishing the best works of the most famous and esteemed foreign authors.

They have recently given striking evidence of the sincerity of their sentiments by assembling for the first time, as Mr. Coudert facetiously observed at the recent banquet offered to me, with the author's legendary hostility laid aside, joining in and adhering to the unanimous wish expressed for an international copyright.

I do not desire to enter into any discussion concerning the principles or theories of the Democratic or Republican party; for the question of international copyright is the most non-partisan question of all. If such a law shall be passed by the Senate and House, each party will be equally entitled to the honor and credit of the measure. National industry will profit thereby; for the number of French authors who wish to be read in the United States will be very much increased; editions therefore will be more numerous. All industries which unite in the making of a book will equally profit thereby. American authors will profit in two ways by this new legislation. In the first place, they will have many more readers in their own country; they will be better paid by publishers; and French editors and publishers, who even now pay for translations of American works, will seek to augment their own interests by extending and multiplying translations of American works throughout France.

America, whether North or South, has remained outside the literary union existing throughout Europe. It is very certain that, as soon as the Congress of the United States enacts an international-copyright law, the republics of Central and South America will follow suit. The true method for the United States, in order to place itself in union with Europe, would be to imitate what President Cleveland, with the advice and consent of the Senate, has already done in regard to industrial property, when he took the initiative in joining in the Conference of Berne. That is to say, it should adhere, through President Harrison, to the Conference of Berne in regard to literary matters; for there is a

close analogy between patents and literary and artistic works. This is well established in the Constitution, where protection is granted in the same phrase to authors and inventors. The invention for which the inventor takes out a patent is the child of books which have stored up and communicated science and acquired experience.

It is difficult to understand that the American people protect the child by legislation, but rob the parent of every sort of protection. We will not be unjust enough to believe that the only reason for protecting the child is that it earns dollars, its acknowledged superiority in industrial and scientific pursuits being recognized in Europe. If the selfish opinion really existed in the United States, France would be fully justified in desisting from its chivalrous course, very much as a modern Don Quixote. She would, indeed, be guilty toward her own citizens by not defending French letters and arts as the United States defends engineers and inventors. Mr. Bell and Mr. Edison feel no more pleasure in handling French bank-notes than we would feel in deriving some advantage from the numerous representations of "The Drum Major" and other works of Offenbach, Lecocq, etc. For their eyes the color of gold is exactly the same as it is to inventors. It is well, this being understood, to express to American legislators the conviction that, if the condition of affairs which not only hurts the purse of the French author, but which also injures and mutilates his works with translations and adaptations, still continues, owing to bad faith and unscrupulousness in some parts of the West, French legislators will not delay in making reprisals by withdrawing from their industrial conventions that protect American patents, which would thus become public property. The copyright guaranteeing literary works is at least deserving of as much regard as a patent covering an invention.

It seemed proper to me to offer to the readers of THE NORTH AMERICAN REVIEW these few observations, and I feel more encouraged since the educated and literary elements of the American nation have recently affirmed that the consciences of France and the United States were entirely in union on this important question of artistic and literary right. These few lines could, I think, be signed equally well by Mr. Appleton or Mr. James Russell Lowell as by myself.

E. DE KÉRATRY.